IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 4835 of 1996

Between:

Sri Sita Rama Tribal Welfare Association, Rep by its prsident Bolli Ramulu, S/o Pothappa,
R/o Uppushaka Village, Burgampahad Mandal,
Khamman District.

..... PETITIONER

AND

1 The Collector,
Khammam District.
2 The Asst.Director,
Land Records, Khammam District.
3 The Mandal Revenue Officer,
Burgampahad Mandal, Khammam District.
4 The Divisional Forest Officer,
Palvancha, Khammam District.
5 The Forest Settlement Officer,
Khammam District.
6 The Forest Range Officer,
Palavancha, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of "Mandamus" or any other appropriate writ, order or direction, directing the Respondents 1, 2 and 3 herein to issue the Pattedar Pass Books to the members of the petitioner Association in pursuance of the Survey conducted by them.

Counsel for the Petitioner: MR.P.VIJAYA BHASKAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.4835 OF 1996

ORDER:

This writ petition is filed seeking writ of mandamus to direct the respondents 1 to 3 to issue pattedar pass books to the members of the petitioner-Association.

In the affidavit filed in support of the writ petition, it is stated that the members of the petitioner-Association have purchased various extents of land in survey No.90/16 (now demarcated and marked as Sy.No.100 to 133 and 135 to 141) of Uppushaka village, Burgampahad Mandal of Khammam District. It is further stated that the members of the petitioner-Association have purchased the said land from the erstwhile owner and possessor R.Shakuntala Devi vide document dated 14.12.1961. The grievance of the petitioner is that though its members are in possession and enjoyment of the land by virtue of the said purchase, and in spite of the fact that they made application seeking issuance of pattadar passbooks, the same were not issued. Hence, this writ petition.

Respondents filed counter stating that an extent of Ac.3686.14 guntas was included in reserve forest and the members of the petitioner-Association are claiming their ownership over part of the said land on the ground that they purchased the same from the erstwhile owner and possessor R.Shakuntala Devi. It is further stated in the counter that the said Shakuntala Devi herself had no title over the said property and in that view of the matter members of the petitioner-Association, who are claiming through the said Shakuntala Devi did not acquire any rights.

On the other hand, it is submitted by the learned counsel for the petitioner that at no point of time notice was issued to the members of the petitioner-Association and they have been in continuous and uninterrupted possession of the said land by virtue of their purchase and their possession is also

evident from the entries made in the Record of Rights. Further it is submitted that on an earlier occasion when the petitioner approached this Court, this Court directed to conduct survey and the survey was also conducted, but in spite of the same pattedar passbooks are not issued to them.

It is the case of the respondents that the land, over which the members of the petitioner-Association are claiming rights and seeking direction for issuance of pattedar pass books, is a part of the land notified for reserve forest. Whether the land in question is a part of the notified land and whether said Shakuntala Devi has title over it to sell the property to the members of the petitioner-Association, are the factual disputes, which arise for consideration. In view of the said disputes, the relief as sought for in the present writ petition cannot be granted directing the respondents to issue pattedar passbooks in favour of the members of the petitioner Association.

In that view of the matter and in view of the stand taken by the respondents in the counter that the land in question is part of the land notified for reserve forest, the relief as sought for in this writ petition cannot be granted. However, it is open to the petitioner to avail such remedies as may be available either under Forest Act or any other law.

Subject to above observation, the writ petition is dismissed. No order as to costs.

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(JUSTICE R.SUBHASH REDDY)

Dt.16.02.2005.

Mdaa

Copy to:

1 The Collector,
Khammam District.
2 The Asst.Director,
Land Records, Khammam District.
3 The Mandal Revenue Officer,
Burgampahad Mandal, Khammam District.
4 The Divisional Forest Officer,
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5 The Forest Settlement Officer,
Khammam District.
6 The Forest Range Officer,
Palavancha, Khammam District.

7. Two C.Cs to G.P.for Revenue, High Court of A.P., Hyderabad (OUT).

8. Two C.D.Copies.